

1 The Westfield-Washington Advisory Plan Commission held a meeting on
2 Monday, March 1, 2010 scheduled for 7:00 PM at the Westfield City Hall.

3
4 **Opening of Meeting:** 7:00 PM

5
6 **Roll Call:** Note Presence of a Quorum

7
8 **Commission Members Present:** Dan Degnan, Cindy Spoljaric, Robert Smith, Robert
9 Horkay, William Sanders (7:06) and Steve Hoover.

10
11 **City Staff Present:** Matthew Skelton, Director; Kevin Todd, Senior Planner; Jennifer
12 Miller, Senior Planner; Ryan Schafer, Planner I; and Brian Zaiger, City Attorney

13
14 **Approval of the Minutes:**

15
16 Motion: To approve the February 16, 2010 Public Hearing Meeting Minutes as
17 presented.

18
19 Motion by: Hoover; Second by Horkay; Vote: Passed by voice vote

20
21
22 Todd reviewed the Public Hearing Rules and Procedures.

23
24
25 **OLD BUSINESS**

26
27 Case No. Ordinance 10-02
28 Petitioner City of Westfield
29 Description The Westfield City Council amends the Westfield-Washington Zoning
30 Ordinance to include standards for Temporary Uses and Events (WC
31 16.04.095) and new Definitions (WC 16.04.210).
32

33 Hoover stated that the Council did accept the proposed changes from the Plan
34 Commission, which was to change the times for the tent sales. He also stated that there
35 was a concern with the Council that this would, as written, affect known City events,
36 which it was not intended to do. Therefore, the main change from the Council was to add
37 an exception for City-sponsored events.

38
39 Motion: To send Ordinance 10-02 to the City Council with a positive recommendation.

40
41 Motion by: Degnan; Seconded by: Hoover; Vote: 5-1 (Sanders)

42
43
44
45

NEW BUSINESS

Case No. 1003-DP-02 & 1003-SIT-02
Petitioner Simply Leisure, Inc.
Description 16950 Westfield Park Road; Simply Leisure, Inc. requests Development Plan and Site Plan Review for a proposed 268 square-foot greenhouse structure on approximately 0.9 acre in the EI District.

Todd reviewed the petition, which is a greenhouse structure measuring approximately 12 feet by 24 feet. Todd further stated that the greenhouse would be largely screened from view because it would be located in an existing courtyard area. He also stated this petition has been before the Technical Advisory Committee where no concerns were expressed. Todd stated that this development plan complies with the applicable EI development standards, minus the few items listed in the staff report. He added that there are a couple of landscaping items which need to be addressed further as well as the multiuse path. He indicated that the petitioner is aware of these items and has agreed to address them. Further, he stated the landscaping plan will be brought into compliance and a waiver sought for the multiuse path along Westfield Park Drive. Todd stated there is no action required by the Commission at this time; however, a Public Hearing has been scheduled for tonight.

Mr. Randy Farley was present to respond to questions and public comments.

A Public Hearing opened at 7:13 p.m.

No one spoke, and the Public Hearing closed at 7:14 p.m.

Case No. 1003-PUD-03
Petitioner Herman & Kittle Properties, Inc.
Description 4420 East 146th Street; Herman & Kittle Properties, Inc. requests a change in zoning of approximately 6.7 acres from the SF-3 District to the Commerce Centre PUD District.

Todd presented details of the petition, which is a change in zoning request the location of the proposed zoning change is on the north side of 146th Street just to the west of Gray Road and to the east of Setters Run subdivision. Todd discussed the requirements of the PUD ordinance. He further stated the petitioner's original proposal included outdoor storage; however, after meeting with neighbors and further discussion with city staff, the petitioner has agreed not to include outdoor storage as a component of this project. Staff believes this is a good infill project for this property and supports the project. Todd stated there is no action required by the Commission at this time; however, a Public Hearing has been scheduled for tonight.

1 Mr. Steve Hardin, Baker & Daniels, representing the petitioner, discussed the 6.7 acre
2 site and the proposed redevelopment of the existing property. He stated that comments
3 from the City Council had been addressed and that the petitioner met with neighbors
4 around the property. Hardin discussed four major concerns of the neighbors. He stated
5 that one request of the neighbors' was for opaque screening adjacent to the preservation
6 area. He stated that the petitioner agreed to include a six-foot wooden shadowbox fence
7 along that stretch of the property. He mentioned that a second request was to not allow
8 HVAC equipment to be located on the western side of the climate control building.
9 Hardin stated that the petitioner agreed to that. He further stated there was interest in a
10 future pathway along the north side of 146th Street. Hardin stated that the petitioner has
11 agreed to install a path in that location. Lastly, neighbors asked if the petitioner would be
12 willing to relocate the entrance to the eastern portion of the property. Hardin stated that
13 they would seek to make that change, depending upon approval by the County. He
14 further stated that the petitioner has met with the Hamilton County Highway Department
15 to explore options, and believes it will be possible to locate the drive on the eastern
16 portion of the property. Hardin added that a revised concept plan will be available at the
17 March 15 meeting for review. Hardin further stated that the developer of Bridgewater
18 has requested the brick color in this project be matched to the brick color of Bridgewater
19 Marketplace. Hardin noted that the petitioner has agreed to this request.

20
21 Spoljaric expressed concern about some of the permitted uses of GO (General Office) if
22 the concept does not happen. She believes not all of the uses could be appropriate next to
23 a residential area. She also asked about a second access point.

24
25 Todd stated that staff requested the exclusion of some of the uses in GO, specifically,
26 agriculture and multi family; however, he stated the rest of the uses are office uses.

27
28 Skelton stated staff would review this use list further.

29
30 A Public Hearing opened at 7:28 p.m.

31
32 Mrs. Carolyn Stevenson, 4214 Wentz Drive (just down the street that T's into a circle
33 drive that will affect the neighbors east of this development, Setters Run); My concern is
34 the access cut off of 146th Street; don't know how close since we have an access lane
35 coming into Walgreens and an access lane leading out and then you hit the power
36 station. I thought perhaps looking at the map that the access would be in and out off of
37 Gray, but not sure how that affects the power station and Bridgewater butting up against
38 this development. We have beautiful habitat, birds, and wildlife and I'm concerned about
39 all of our wildlife that lives there, which is very quiet. My other concerns include the
40 buffering; I understand that the developer is going to try to preserve the tree line which
41 habitats our birds. Don't know which side you are putting that ugly fence; hoping our
42 neighbors to the east of Setters Run don't have to look at that fence. Also to the northeast
43 of this development there is a beautiful pond which is always stocked and people fish.
44 Not sure how far back that will run. Power station is a concern; understand no outside
45 storage which is a plus. Do have a concern with the access of decel and the access into

1 this development on 146th street. Way too close to power station, Walgreens, and stop
2 light at 146th and Gray Road. Afraid the traffic speed will pick up also.

3
4 Mr. Jordan Worley, 14715 Keller Terrace; I would like to present petition to APC with
5 117 signatures, one signature from each house of the community, stating the residents
6 and property owners of Setters Run wish to stop the rezoning of the 6.7 acres of property
7 adjacent to our community. The proposed buffer zone of 40 feet provides approximately
8 one tree and in many cases no trees between the property line and the storage units at the
9 east end of our community; this will inadequately buffer light or noise pollution
10 generated by the proposed property. Secondly, the proposed property would significantly
11 and negatively affect not only the aesthetic but the monetary values of our properties we
12 have purchased. All residents in this community use this eastern edge whether for the
13 fitness trail or the fishing ponds. We see all summer long families riding, roller blading,
14 walking dogs, fishing, etc. We are opposed to rezoning the property at the east end of
15 Setters Run Community. We believe we were inadequately notified of the meetings.
16 Concerned about how a property with traffic running through it even if maybe just one or
17 two cars at a time, how they aren't proposing light poles to be able to see to unload;
18 proposed gate time of 6:00 am to 10:00 pm. In Indiana it gets dark at 5:00.

19
20 Mr. John Hauber, 4215 Shine Court; unable to attend the public meeting; only given 48
21 hours notice. My responsibility as President of the HOA and, in fact, the whole board, is
22 to do whatever we can to try and keep the property values of the community high. This
23 project with light pollution and noise pollution is going to severely affect the property
24 values of our homes. And not just the homes affected by the site, but the entire
25 community. We need comparable market analysis; if anyone wants to sell homes, they
26 will look at what homes are selling for. The homes along the eastern edge, what you
27 can't tell from this map, by the retention pond, it slopes down and there are walk out
28 basements; the only walkout basements in the community, and I would say these are the
29 highest value homes in the community. If each of those falls by \$25-\$50,000, which it
30 will, because they are up on a hill and regardless of how high the wall is, they are going
31 to be looking down at this. So rather than the trees they see now, they will see a roof
32 line. The effect on their homes will affect every single home in the neighborhood. So
33 while I'm pleased that this would be a \$4,000,000 project to the Community; that
34 \$4,000,000 spread out over 200 homes would be a loss of \$4,000,000 in property values
35 to our homes. I'm surprised and confused why anyone would want to rezone this to
36 commercial and why we would even consider putting this in a residential area along 146th
37 Street when there is adequate room for this very same project anywhere along 31, 32, and
38 the industrial park. To put it in a residential area would be absurd and it's going to be
39 very harmful to 200 families in that area. I would suggest that the only reason we have
40 117 signatures is that we have not been able to get to a lot of people, but I'm confident
41 we could get 90-95% of people.

42
43 Ms. Julie Manley, 4439 Updike Circle; my house is right next to it. Right now we look at
44 a beautiful wooded area, beautiful wooded trees; we have all kinds of wildlife, including
45 deer, owls, coming into our yard. All these homes are two stories houses, and will be

1 looking at hideous ugly office buildings. This is going to severely affect our property
2 values; we do not want this. This is surrounded by a residential area we do not want
3 commercial right next to us.

4
5 Mr. Mic Mead, 15466 Oak Road; I very much sympathize with these neighbors and their
6 civility in presenting very serious concerns to you. I don't know whether you have to
7 pass this or not but if you do, I highly recommend spruce trees and white pines planted
8 between whatever trees they can salvage that are there. There are landscaping credits
9 provided for; the bigger the trees they save, the more credits they get, and I hope the
10 developer can do all they can to create a barrier there. If they build this, I would like to
11 know that this allows only right-in and right-out to that access. I'm a big champion of
12 connectivity; I don't know how you would do it, but if there's a way to have connectivity
13 from Walgreens on an access road rather than people having to go out from one project
14 and back into another, whether there's a right-in and right-out, directly or not, there
15 should be an access from one commercial project to the next. The power company
16 certainly complicates that. If they have that, I hope you require them to commit to never
17 applying for a cut in the median so they could change that and eventually have another
18 stop light on 146th Street. And certainly there should be no dog kennel; any dog kennel
19 is going to be heard by the immediate neighbors.

20
21 Spoljaric read an email from Brian Morales; he was concerned about 24-hour access; he
22 thought this was a whole lot to be put on to this piece of property. He thought second
23 story faux windows would be good to break up the long expanses on the buildings. Also
24 he was worried about the access and fire lanes. What about car ports? Would that be
25 included in the outside storage realm?

26
27 The Public Hearing closed at 7:47 p.m.

28
29 Hardin committed to the petitioner regrouping and addressing issues raised tonight and
30 reporting back to staff before coming back before the Commission.

31
32 Hoover asked if all the proposed structures are one-story in nature; and what is the
33 maximum height.

34
35 Hardin stated there are three different heights and the tallest height is sixteen feet.

36
37 Sanders expressed concern about whether a fire truck could turn around on this property.

38
39 Staff responded this item was addressed at Technical Advisory Committee, and that this
40 project would still need to go through the development process and issues like adequate
41 fire turnaround will be reviewed at that time.

42
43
44
45

1 Case No. 1003-PUD-04
2 Petitioner Adams and Marshall Homes, Inc.
3 Description 3600 East 161st Street; Adams and Marshall Homes, Inc. requests an
4 amendment to the development standards for an area of Parcel J of the
5 Bridgewater PUD.
6

7 Todd introduced the petition, which is an amendment to the Bridgewater PUD ordinance,
8 specifically for some development standards in Parcel J, commonly known as
9 Bridgewater Lakes. He stated that this area was originally platted in 2004 for duplexes,
10 quads and triplexes, and that two of those buildings have been constructed, containing a
11 total of six units. He further stated that the petitioner is seeking to develop the remainder
12 of the property with detached single family homes. He explained that since the site was
13 originally designed for detached housing, a couple of the applicable development
14 standards, specifically lot size and front yard set back, would need to be modified to
15 accommodate a detached single family product. Todd stated that amendments are
16 supported by staff, as well as the developer of Bridgewater. Todd stated there is no
17 action required by the Commission at this time; however, a Public Hearing has been
18 schedule for tonight.
19

20 Mr. Jon Dobosiewicz, Nelson & Frankenberger, introduced guests and presented details
21 of the amendment to the PUD ordinance. He reviewed the layout, which includes 29
22 single family detached lots. He discussed the proposed modifications including lot width,
23 lot size, and front yard setback.
24

25 Mr. Jim Marshall stated that the neighborhood meeting went very well and there were no
26 problems with what was proposed.
27

28 A Public Hearing opened at 8:12 p.m.
29

30 Ms. Denise Frierhood asked about the price range of the homes and how many
31 individuals were contacted by letter.
32

33 The Public Hearing closed at 8:13 p.m.
34

35 Dobosiewicz responded to public hearing comments stating 115 letters were sent out and
36 30 people attended the neighborhood meeting. He also stated the prices for the homes
37 ranged from \$200,000 to \$300,000.
38

39 Hoover asked how soon construction would start.
40

41 Dobosiewicz responded if approved, construction would start in the middle of May at the
42 earliest.
43
44
45

1 **STAFF COMMENTS**

2
3 Skelton introduced Ryan Schaffer, Community Development's newest planner.
4

5
6 **ADJOURNMENT** (8:20)
7

8
9 Approved (date)
10

11
12 _____
13 President, Robert Smith, Esq.
14

15
16 _____
17 Vice President, Cindy Spoljaric
18

19
20 _____
21 Secretary, Matthew S. Skelton, Esq., AICP
22